

## CLAYTON COUNTY BOARD OF COMMISSIONERS

Regular Business Meeting  
7:00 P.M.

January 21, 2014

### POST SUMMARY MINUTES

PRESENT: Chairman Jeffrey E. Turner, Vice-Chairman Shana M. Rooks, Commissioner Michael Edmondson, Commissioner Sonna Singleton, Commissioner Gail Hambrick, and Clerk Shelby D. Haywood.

1. Chairman Turner called the meeting to order.
2. Invocation was led by Elder Jerome Monday of Divine Faith Ministries in Jonesboro, Georgia. Pledge of allegiance to the flag was led by Chairman Turner.
3. Amended the agenda by changing the figure amount of (Budget Amendment #4-36 – Fund 307 Reimposition SPLOST/FYE 6-30-14 – to amend the budget for Northeast Police Precinct for the Design Development Document in the amount of ~~\$1,290,089.00~~ to \$1,315,089.00) and deleting item # 19 (Resolution 2014-28 – A Resolution to allow Utopian Academy for the Arts to host community meetings at the Virginia Burton Gray Recreation Center; to authorize the Chairman and the Director of the Parks and Recreation Department to perform all acts necessary to accomplish the intent of this resolution; to provide an effective date of this resolution; and for other purposes). Clerk Haywood announced that an Executive Session would be held tonight to discuss a Worker's Compensation issue and a real estate matter. The agenda was adopted, as amended, as all commissioners had copies before them. Vote unanimous.
4. Approved the January 7, 2014 Regular Business Meeting minutes. Vote unanimous.
5. PUBLIC COMMENT: Citizens will be given a three (3)-minute maximum time limit to speak before the Board of Commissioners about various topics, issues, and concerns. Following thirty minutes of hearing from the public, the Board of Commissioners will allow the remainder of citizens who have signed up to be heard at the next Tuesday business meeting. (NOTE: No one signed up to speak under "Public Comment.")
6. PROCLAMATION: "Clayton County Honors Patsy Hart as 2014 Teacher of the Year for Clayton County Public Schools" (presented by Commissioner Sonna Singleton).

[NOTE: A group photo was taken of Patsy Hart, Clayton County Public School Board members Carlton Bivins and Jessie Goree, and the commissioners. Clerk Haywood read the proclamation for the benefit of the honoree, Board, and audience.]

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7. PROCLAMATION: “Clayton County Honors E.W. Oliver Elementary School Stock Market State Champions” (presented by Commissioner Gail Hambrick).

[NOTE: A group photo was taken of the honorees, Clayton County Public School Board members Carlton Bivins and Jessie Goree, and the commissioners. Clerk Haywood read the proclamation for the benefit of the honorees, Board, and audience.]

Chairman Turner advised Senior Reporter Curt Yeomans of the *Clayton County News Daily* to take notice of the positive achievements in the Clayton County Public School System.

8. Theodis Locke, Director of Central Services/Risk Management, presented the following items that resulted in the following Board actions.

(NOTE: The entire Purchasing Ordinance for Clayton County, Georgia can be viewed on the MuniCode website. Citizens can access this website via the following website address: <http://library.municode.com/index.aspx?clientId=10562>.)

1) Approved **RFP PKG. #10-28 Officiating Services for Clayton County Parks & Recreation Athletic Programs, Annual Contract, Request for 90-Day Contract Extension, First Amendment** (*Majestic’s FC, LLC, located in Hampton, Georgia; Peach State Umpires Association, LLC, located in Jonesboro, Georgia; and South Atlanta Basketball Officials, LLC, located in Douglasville, Georgia*), as requested by the Parks and Recreation Department. Per Section 2-136 (2) of the Clayton County Purchasing Ordinance, Clayton County utilizes the competitive sealed proposal method when the competitive sealed bid method is neither practical nor advantageous and when cost is not the primary consideration. The competitive sealed proposal method will be used when the costs of goods and services exceed \$25,000.00. The Clayton County Board of Commissioners makes the final award for all non-budgeted proposals of \$35,000.00 and greater. Vote unanimous.

2) Approved **RFB #13-22 SPLOST Milling and Resurfacing of Various Streets in Clayton County Commission Districts 1 & 2, Clayton County, Georgia, Request for Contract Extension, Second Contract Amendment** (*C.W. Matthews Contracting Company, located in Marietta, Georgia*), as requested by the Transportation and Development Department. Per Section 2-136 (1) of the Clayton County Purchasing Ordinance, Clayton County utilizes the competitive sealed bid method when the costs of goods and services are in excess of \$25,000.00. The Clayton County Board of Commissioners has the final award approval for all non-budgeted bids \$35,000.00 and greater. All approved budgetary goods and services and annual contract purchases can be authorized by the Finance Director and purchased by the Director of Central Services without Board of Commissioners’ approval. Vote unanimous.

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3) Approved **RFB #13-23 SPLOST Milling and Resurfacing of Various Streets in Clayton County Commission Districts 3 & 4, Clayton County, Georgia, Request for Contract Extension, Second Contract Amendment** (*C.W. Matthews Contracting Company, located in Marietta, Georgia*), as requested by the Transportation and Development Department. Per Section 2-136 (1) of the Clayton County Purchasing Ordinance, Clayton County utilizes the competitive sealed bid method when the costs of goods and services are in excess of \$25,000.00. The Clayton County Board of Commissioners has the final award approval for all non-budgeted bids \$5,000.00 and greater. All approved budgetary goods and services and annual contract purchases can be authorized by the Finance Director and purchased by the Director of Central Services without Board of Commissioners' approval. Vote unanimous.

4) Approved **RFB #13-47 Thomas Road Sidewalks, Clayton County, Georgia, Clayton County Commission District #3** (*McLeRoy, Inc., located in Zebulon, Georgia; \$404,255.00. Funding is available through the 2004 SPLOST funds*), as requested by the Transportation and Development Department. Per Section 2-136 (1) of the Clayton County Purchasing Ordinance, Clayton County utilizes the competitive sealed bid method when the costs of goods and services are in excess of \$25,000.00. The Clayton County Board of Commissioners has the final award approval for all non-budgeted bids \$35,000.00 and greater. All approved budgetary goods and services and annual contract purchases can be authorized by the Finance Director and purchased by the Director of Central Services without Board of Commissioners' approval. Vote unanimous.

5) Approved **RFB #13-50 Stockbridge Road Sidewalks, Clayton County, Georgia** (*Southeastern Site Development, Inc., located in Newnan, Georgia; \$732,422.56. Funding is available through the 2004 SPLOST funds*), as requested by the Transportation and Development Department. Per Section 2-136 (1) of the Clayton County Purchasing Ordinance, Clayton County utilizes the competitive sealed bid method when the costs of goods and services are in excess of \$25,000.00. The Clayton County Board of Commissioners has the final award approval for all non-budgeted bids \$35,000.00 and greater. All approved budgetary goods and services and annual contract purchases can be authorized by the Finance Director and purchased by the Director of Central Services without Board of Commissioners' approval. Vote unanimous.

6) Approved **RFP PKG. #13-59 Transit Planning and Engineering Services, Annual Contract – Awarded Contract Task Order** – (*Tindale Oliver Associates, Inc., located in Tampa, Florida. Funding is available through the County's General Fund*), as requested by the Transportation and Development Department. Per Section 2-136 (2) of the Clayton County Purchasing Ordinance, Clayton County utilizes the competitive sealed proposal method when the competitive sealed bid method is neither practical nor advantageous and when cost is not the primary consideration. The

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competitive sealed proposal method will be used when the costs of goods and services exceed \$25,000.00. The Clayton County Board of Commissioners makes the final award for all non-budgeted proposals of \$35,000.00 and greater. Vote unanimous.

7) Approved **RFB #13-61 Mitchells Meadow Subdivision Pavement Rehabilitation, Clayton County, Georgia** (*Baldwin Paving Company, located in Marietta, Georgia; \$780,382.37. Funding is available through the 2009 SPLOST funds*), as requested by the Transportation and Development Department. Per Section 2-136 (1) of the Clayton County Purchasing Ordinance, Clayton County utilizes the competitive sealed bid method when the costs of goods and services are in excess of \$25,000.00. The Clayton County Board of Commissioners has the final award approval for all non-budgeted bids \$35,000.00 and greater. All approved budgetary goods and services and annual contract purchases can be authorized by the Finance Director and purchased by the Director of Central Services without Board of Commissioners' approval. Vote unanimous.

8) Approved **RFP PKG. #13-64 SPLOST Construction Management-At-Risk Services for the Construction of the Clayton County Animal Control Kennel** (*Hogan Construction Group, LLC, located in Norcross, Georgia; 375 score and 2.50% fee cost. Funding is available through the 2009 SPLOST funds*). Per Section 2-136 (2) of the Clayton County Purchasing Ordinance, Clayton County utilizes the competitive sealed proposal method when the competitive sealed bid method is neither practical nor advantageous and when cost is not the primary consideration. The competitive sealed proposal method will be used when the costs of goods and services exceed \$25,000.00. The Clayton County Board of Commissioners makes the final award for all non-budgeted proposals of \$35,000.00 and greater. Vote unanimous.

9) Approved **RFP PKG. #13-21 Architectural Engineering Services for the Construction of the Clayton County Police Precinct, N.E. – Design Development Documents Approval** (*Brown Design Group, located in East Point, Georgia*). Per Section 2-136 (2) of the Clayton County Purchasing Ordinance, Clayton County utilizes the competitive sealed proposal method when the competitive sealed bid method is neither practical nor advantageous and when cost is not the primary consideration. The competitive sealed proposal method will be used when the costs of goods and services exceed \$25,000.00. The Clayton County Board of Commissioners makes the final award for all non-budgeted proposals of \$35,000.00 and greater. Vote unanimous.

10) Approved **RFB #13-63 Tandem Axle Truck for Roll-Off Waste Containers** (*Nextran Truck Center, located in Atlanta, Georgia; \$175,409.00. Funding is available through the Landfill Bond proceeds set aside for such purposes*), as requested by the Transportation and Development Department. Per Section 2-136 (1) of the Clayton County Purchasing Ordinance, Clayton County

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utilizes the competitive sealed bid method when the costs of goods and services are in excess of \$25,000.00. The Clayton County Board of Commissioners has the final award approval for all non-budgeted bids \$35,000.00 and greater. All approved budgetary goods and services and annual contract purchases can be authorized by the Finance Director and purchased by the Director of Central Services without Board of Commissioners' approval. Vote unanimous.

9. Ramona Thurman, Chief Financial Officer, presented eight (8) budget amendments and four (4) Requests for Refund which resulted in the following board actions.

1) Approved Budget Amendment #2-29 – Other General Government/FYE 6-30-14 – to amend in revenue from surplus sales in the amount of \$10,406.00. Vote unanimous.

2) Approved Budget Amendment #2-30 – Sheriff/FYE 6-30-14 – to amend the budget to reflect SCAAP funds that have been received by the Sheriff for the purchase of two inmate transport vans in the amount of \$73,000.00. Vote unanimous.

3) Approved Budget Amendment #2-31 – Landfill/FYE 6-30-14 – to amend the budget for cover dirt required by the Landfill in the amount of \$360,000.00. Vote unanimous.

4) Approved Budget Amendment #4-36 – Fund 307 Reimposition SPLOST/FYE 6-30-14 – to amend the budget for Northeast Police Precinct for the Design Development Document in the amount of \$1,315,089.00. Vote unanimous.

5) Approved Budget Amendment #4-37 – Fund 306 SPLOST – Roads & Recreation/FYE 6-30-14, in the amount of \$2,864,830.00, to amend the budget for utility relocation on Anvilblock Road, Mt. Zion Road, Panola Road, Clark Howell Highway and Norman Drive (per the Board's approval of Resolution 2013-314 on December 3, 2013). Vote unanimous.

6) Approved Budget Amendment #4-38 – Fund 306 SPLOST – Roads & Recreation/FYE 6-30-14 – to amend the budget for project engineering services from Moreland Altobelli Associates, Inc. for Transportation & Development (this is a renewal and second amendment to RFP #11-16 approved on December 17, 2013) in the amount of \$578,360.00. Vote unanimous.

7) Approved Budget Amendment #4-39 – Fund 306 SPLOST Roads & Recreation/FYE 6-30-14, in the amount of \$2,988,492.00, to amend the budget for construction on the Norman Drive Widening Project (per the Board's approval of RFB Pkg. #13-51 on December 17, 2013). Vote unanimous.

8) Approved Budget Amendment #4-40 – Fund 307 Reimposition SPLOST/FYE 6-30-14,

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in the amount of \$301,953.00, to amend the budget for construction on the Evans Drive Sidewalk Project (per the Board's approval of RFB Pkg. #13-57 on December 17, 2013). Vote unanimous.

9) Approved a Request for Refund – Business License Fee, in the amount of \$125.00, for Michael Glenn/4460 Highway 42 in Conley, Georgia. Vote unanimous.

10) Approved a Request for Refund – Alcohol License, in the amount of \$2,000.00, for Elida Roman/5680 Old Dixie Highway in Forest Park, Georgia. Vote unanimous.

11) Approved a Request for Release of Demolition Bond, in the amount of \$500.00, for B Levett & Co. Inc./2200 Parklane Drive, Suite 1485 in Atlanta, Georgia. Vote unanimous.

12) Approved a Request for Release of Demolition Bond, in the amount of \$500.00, for Tray Roberts/8242 Elm Court in Jonesboro, Georgia. Vote unanimous.

10. Renee Bright, Director of Human Resources, presented one (1) request which resulted in the following board action.

1) Approved a Request to change dependent children eligibility requirements in the dental and vision plans to match requirements for the medical plans. Currently, the dental and vision plans require that children age 19-24 must meet the full-time requirement to be eligible for coverage. Healthcare Reform required medical plans to provide coverage to adult children up to their 26th birthday (effective 6/1/11). Vote unanimous.

This change will create uniformity in the definition of eligible children in all plans.

There could be a slight increase in claims cost associated with this change. It is estimated that the dental claims cost could increase up to 1% (\$11,000.00); however, there would be no impact to the County for the change to the vision plan. No financial impact will be made to the General Fund due to absorption from the Medical Insurance Fund.

11. Approved Ordinance 2014-20, an Ordinance to amend Code of Clayton County, Georgia, as amended, specifically Chapter 50, Health and Sanitation, Article I, In General, Section 50-2 "Board of Health Regulations," Subsection (B), so as to add a new Subsection (6) thereto relating to Body Art Rules and Regulations; to amend Section 50-3 "Division of Environmental Health – Fee Schedule" so as to change the effective date and delete Exhibit "A" thereto in its entirety and replace it with a new Exhibit "A"; to repeal conflicting laws, ordinances, and resolutions; to provide severability; to provide for an effective date of this ordinance; and for other purposes. Vote unanimous.

12. Approved Resolution 2014-21, a Resolution authorizing the acceptance of one (1) condemned vehicle (2008 Nissan Sentra 2.0) to be assigned to the Police Department fleet; to authorize the

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Directors of Central Services and Fleet Maintenance to perform all acts required by this resolution; to provide an effective date of this resolution; and for other purposes. Vote unanimous.

13. Approved Resolution 2014-22, a Resolution authorizing Clayton County to enter into a Memorandum of Understanding (MOU) with the United States Federal Bureau of Investigation to participate in the Metro Atlanta Child Exploitation Task Force to focus on sexual victimization and other crimes against children occurring in Metro Atlanta including Clayton County; to authorize the Chairman or the Chief of Police as his designee to execute the MOU and overtime authorization agreement; to authorize the Chief Financial Officer to amend the budget where necessary to reflect an appropriate revenue source and expense, all as may be required in the terms of the MOU and the agreement; to provide an effective date of this resolution; and for other purposes. Vote unanimous.

14. Approved Resolution 2014-23, a Resolution authorizing Clayton County to exercise its powers of Eminent Domain in accordance with provisions of Georgia laws for the purpose of acquiring certain properties for use by the Clayton County Department of Transportation and Development for the Flint River Road Widening Improvement Project; to authorize the Chairman to execute any documents relating thereto, and to otherwise perform all acts necessary to accomplish the intent of this resolution; to authorize the Chief Financial Officer to amend the budget where necessary to reflect an appropriate revenue source and expense; to provide an effective date of this resolution; and for other purposes. Vote unanimous.

15. Approved Resolution 2014-24, a Resolution authorizing Clayton County to exercise its powers of Eminent Domain in accordance with provisions of Georgia laws for the purpose of acquiring certain properties for use by the Clayton County Department of Transportation and Development for the C. W. Grant Separation Improvement Project; to authorize the Chairman to execute any documents relating thereto, and to otherwise perform all acts necessary to accomplish the intent of this resolution; to authorize the Chief Financial Officer to amend the budget where necessary to reflect an appropriate revenue source and expense; to provide an effective date of this resolution; and for other purposes. Vote unanimous.

16. Approved Resolution 2014-25, a Resolution authorizing Clayton County to execute a Title V Permit Annual Compliance Certification for the Clayton County Landfill; to authorize the Chairman to execute the certification and otherwise to perform all other acts necessary to accomplish the intent of the resolution; to authorize the Chief Financial Officer to amend the budget as necessary to reflect an appropriate revenue source and expense; to provide an effective date of this resolution; and for other purposes. Vote unanimous.

17. Approved Resolution 2014-26, a Resolution authorizing Clayton County to accept a donation of 4,234 square feet (0.099 acres) of right-of-way from Kaiser Foundation Health Plan of Georgia, Inc.; to

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authorize the Chairman to execute all documents necessary to accept the donation, and otherwise to perform all acts necessary to accomplish the intent of this resolution; to provide an effective date of this resolution; and for other purposes. Vote unanimous.

18. Approved Resolution 2014-27, a Resolution authorizing Clayton County to enter into a First Amendment to a lease agreement with Glenwood Morrow Company, LLC, providing for the lease of property for use as a Motor Vehicle Registration and Tag Office for the County Tax Commissioner's Office; to authorize the Chairman to execute the amendment, and otherwise perform all acts necessary to accomplish the intent of this resolution; to authorize the Chief Financial Officer to amend the budget where necessary to reflect the appropriations and expenses relating thereto; to provide an effective date of this resolution; and for other purposes. Vote unanimous.

19. Approved Resolution 2014-29, a Resolution providing for the establishment and publication of qualifying fees for each County Office to be filled in the upcoming general primary and election; to provide an effective date of this resolution; and for other purposes. Vote unanimous.

20. Approved an Order for Remission: State of Georgia vs. Malik Kelly and Free At Last Bail Bonds (Surety); Case No(s). 2012CR09648, in the amount of \$3,325.00. Vote unanimous.

21. Approved an Order for Remission: State of Georgia vs. Calvin Lewis Brown and AAA Team Bonding (Surety); Case No(s). 2012CR00447-05, in the amount of \$9,785.00. Vote unanimous.

Staff Attorney Christie Barnes requested an Executive Session to discuss a Worker's Compensation issue, real estate and litigation matters. The Board generally consented to have an Executive Session for the aforementioned reasons.

22. ZONING PETITION: **Dave Tinsley of Tinsley Media – CUP201312-01**

1) Motion by Commissioner Hambrick, second by Commissioner Singleton, to approve the applicant's request for a conditional use permit (CUP) from Article 3.31 for a billboard use. This property is located at the corner of Southfield Parkway and Frontage Road, otherwise known as parcel number 13-084-085-004 and identified as approximately 5.43 acres of vacant land currently zoned Heavy Industrial (HI).

**Commission District #2 – Commissioner Gail Hambrick**

Zoning Advisory Group's Recommendation: Approval.

Clerk Haywood asked if there were any opposition to this petition. No one responded.

David Tinsley of Tinsley Media requested moving the existing billboard at 5500 Frontage Road that is currently upon JCPenney property and relocating it approximately 280 feet south to the adjacent



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property known as Southfield Industrial Park. Mr. Tinsley expressed his concerns regarding JCPenney closing on December 29, 2013 and protecting the interest of his investment.

Noting that there was no opposition to this petition, Commissioner Hambrick stated she would approve it.

23. ZONING PETITION: **Brandon Lai of Residential Circle, LLC – CUP201312-02**

2) The Applicant is requesting a conditional use permit (CUP) from Article 3.25 for a church use. This property is located at 7718 North Main Street, Jonesboro, Georgia 30236, otherwise known as parcel number 13207D A015 and identified as approximately 0.66 acres of commercial land currently zoned NMX.

**Commission District #4 – Commissioner Michael Edmondson**

Zoning Advisory Group's Recommendation: Denial due to not being able to meet the needed parking requirements for the building.

Brandon Lai requested a sixty percent (60%) usage for ministry work in the area, dating back to 2002. He understood that this petition required parking; however, he was already using a single parking lot on the adjacent property (near a shopping center). He emphasized that ministries have a history of being sustained in this area. Mr. Lai concluded that ministries over the past years have not needed additional parking spaces.

Clerk Haywood asked if there were any opposition to this petition.

There was one (1) opposition to this petition. Clerk Haywood asked the person who opposed to please come to the podium.

Mr. Brent Cloud said he had bought a nearby building zoned for a restaurant, and Mr. Lai's church has been using most of his parking lot (80%). As a result, this has prevented his business from getting an alcohol permit.

Brandon Lai rebutted that his church only uses Mr. Cloud's parking lot on Sundays, and he did not consider it as a concern.

Commissioner Edmondson expressed his concerns after reviewing the details of the zoning request from staff and the Zoning Advisory Group. He noted the Comprehensive Plan for zoning ordinances had been rewritten several years ago to address the goals of the county and its comprehensive plan.

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Commissioner Edmondson had some concerns with the property being only 0.66 acres and within the overlay standard. He emphasized the mission statement in the Comprehensive Plan is to support and encourage redevelopment of appropriate areas. Commissioner Edmondson stressed that this goes against the designated mixed use of the Comprehensive Plan, and it is within the overlay district and not within the spirit of the overlay district. He understood that there are shared arrangements for parking, but an ordinance is required approximately for three hundred sixty (360) people; and this was not even a quarter of the required parking. The Zoning Request was for only forty-two (42) parking spaces on the property and requires a total of one hundred thirty-two, leaving the property short of ninety (90) parking spaces. Chairman Edmondson stated although a parking agreement can be made, it can be a detriment to the adjacent property. He further stated that ZAG reported that it is detrimental to the community and recommended to deny the rezoning request.

Commissioner Edmondson stated he approved ZAG's recommendation to deny this petition. This motion then ensued:

Motion by Commissioner Edmondson, second by Vice-Chairman Rooks, to deny this petition. Vote unanimous.

Motion by Vice-Chairman Rooks, second by Commissioner Edmonson, to go into Executive Session in the Commissioners' Conference Room at 7:43 p.m. to discuss a Worker's Compensation issue, real estate, and litigation matters. Vote unanimous.

Motion by Chairman Turner, second by Commissioner Edmondson, to go out of Executive Session at 8:18 p.m. Vote unanimous.

Motion by Vice-Chairman Rooks, second by Chairman Turner, to reconvene the Regular Business Meeting in the Commissioners' Boardroom at 8:20 p.m. Vote unanimous.

There being no further business to discuss, motion by Vice-Chairman Rooks, second by Commissioner Edmondson, to adjourn the Regular Business Meeting of January 21, 2014 at 8:20 p.m. Vote unanimous.